

VZCZCXYZ0000
PP RUEHWEB

DE RUEHLP #1634/01 2121253
ZNY CCCCC ZZH
P 301253Z JUL 08
FM AMEMBASSY LA PAZ
TO RUEHC/SECSTATE WASHDC PRIORITY 8099
INFO RUEHAC/AMEMBASSY ASUNCION 8188
RUEHBO/AMEMBASSY BOGOTA 5544
RUEHBR/AMEMBASSY BRASILIA 9483
RUEHBU/AMEMBASSY BUENOS AIRES 6703
RUEHCV/AMEMBASSY CARACAS 3805
RUEHPE/AMEMBASSY LIMA 4089
RUEHMN/AMEMBASSY MONTEVIDEO 5641
RUEHQT/AMEMBASSY QUITO 6424
RUEHSG/AMEMBASSY SANTIAGO 1148
RUMIAAA/USCINCSO MIAMI FL
RUEKJCS/SECDEF WASHINGTON DC
RHEHNSC/NSC WASHINGTON DC
RUEAIIA/CIA WASHINGTON DC
RHMFISS/HQ USSOUTHCOM MIAMI FL

C O N F I D E N T I A L LA PAZ 001634

SIPDIS

E.O. 12958: DECL: 07/29/2018
TAGS: [PGOV](#) [KDEM](#) [BL](#)
SUBJECT: EVO: THE "LAW" WILL NOT HOLD BACK "CHANGE"

REF: LA PAZ 1632

Classified By: Classified by A/ECOP Chief Brian Quigley for reasons 1.4
(b)(d)

SUMMARY

¶1. (SBU) In recent public statements, President Morales admitted to knowingly taking illegal steps to enact his reforms, as he sees current laws slowing down his "change" process. This declaration comes at the same time departmental courts are criticizing the National Electoral Court (CNE) for not abiding by the law in convoking the August 10 recall elections. END SUMMARY.

The Purpose of Law School...

¶2. (SBU) In an atmosphere of national debate over the legality of the recall referendum, President Morales publicly announced that his administration's national "process of change" will not be constrained by the law. He affirmed that even when he receives juridical counsel that his actions are illegal, he "does it anyway," later telling his lawyers, "If it's illegal, make it legal, for what (purpose) have you studied (law)?" Evo rationalized this position with the logic that it is important to start the process, even with errors, and to "improve and legalize" it along the way. Morales has long complained that current laws impede advancing with reforms, previously stating that "being subjected to the law is damaging us." The President has now made his stance explicitly clear- "before the legal, comes the political," he said.

¶3. (C) When asked about Evo's remarks, Senate President Oscar Ortiz (Podemos - Santa Cruz) told EmbOff on July 29, "many things this president and government does are illegal, and they even say it publicly, they feel like prisoners of the current constitution and laws." MAS deputies have echoed Morales' logic, admitting to EmbOffs on many occasions that the current draft constitution is riddled with legal flaws and contradictions, but insisting that these "details" will be worked out in future implementing of legislation.

Illegality Not For All

¶4. (C) Despite the fact Morales does not see legality as hindering political decisions he views as important, in his mind, the opposition is still law-bound. The same day he proclaimed his politics-above-law attitude, Evo criticized electoral entities of "illegal opinions on autonomous statuses (of departments)," complaining that not even the Constitutional Tribunal commented on the supposed illegality of the four autonomy votes held in May and June. In reaction to departmental electoral courts' recent rejection of the recall election, Evo publicly implored these courts to "respect the law" approved by Congress and proclaimed by the Executive.

A Return to Dictatorship?

¶5. (C) Morales likened the departmental courts' rejection of the national recall election to a desire to return to dictatorship and "a blow to democracy, the people, and the National Congress," warning that the people could rise up against the courts for not respecting democracy. Ironically, the President sees nothing undemocratic about using presidential decrees to bypass the same congress and push through changes, instead of waiting for laws or amendments to be passed (a view he expressed last August), or in using his supporters to surround Congress and block opposition legislators from key votes, as he did most recently February 128. Morales has historically justified illegal actions by citing the "will of the people," telling his ministers in 2007 that instead of waiting for laws, they should "continue to work with political decisions," and if lawsuits are filled against unconstitutional decrees, "it will be the people who will judge." However, Senator Fernando Romero (MNR - Beni) does not see the President's policies as so consensual, saying no one knows what to think any more: "it's turned into the law of the jungle where the strongman imposes his will on others."

COMMENT

¶6. (C) Although Evo's public admission he takes illegal actions is bound to draw some criticism, Morales justifies such a stance by arguing that current laws were made by the corrupt past ruling classes and are not conducive to building the new inclusive society his reforms aim for. A strong showing in the August recall election will grant him even more ammunition to say that his decisions represent the will of the people, allowing him super-legal status, and ignoring the importance of institutional democracy. END COMMENT.
GOLDBERG